

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Jacob T. Huntzinger

Docket No. 5:15-MJ-1933-1

Petition for Action on Probation

COMES NOW Mindy L. Threlkeld, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jacob T. Huntzinger, who, upon an earlier plea of guilty to 18 U.S.C. §13, assimilating N.C.G.S. 20-138.1, Driving While Impaired, Level - 5, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on September 7, 2016, to 12 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant pled by waiver and is currently being supervised by U.S. Probation Officer, Mimi Manzano, in the Southern District of California. Manzano cited the 9th Circuit U.S. v. Stephens, stating that the authority to conduct non-treatment testing is now under the mandatory Violent Crimes Control Act condition, which sets a limit on the number of non-treatment tests. Due to the fact that our condition does not outline a set number of tests, it is requested that the conditions of probation be modified to specify the testing requirements. Additionally, they have asked for an alcohol abstinence condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. Submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter. Testing requirements will not exceed submission of more than four (4) drug tests per month during the term of supervision, unless otherwise directed by the court.
2. The defendant shall abstain from all alcohol use.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith

Eddie J. Smith
Supervising U.S. Probation Officer

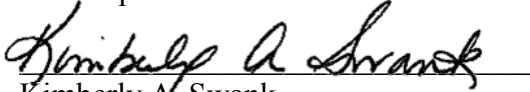
/s/ Mindy L. Threlkeld

Mindy L. Threlkeld
Senior U.S. Probation Officer
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Executed On: February 08, 2017

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ORDER OF THE COURT

Considered and ordered this 8th day of February, 2017, and ordered filed and made a part of the records in the above case.



Kimberly A. Swank
U.S. Magistrate Judge